

GRAND PORTAGE MAINTENANCE FACILITY AND SEASONAL HOUSING

FINDING OF NO SIGNIFICANT IMPACT

INTRODUCTION AND BACKGROUND

The Grand Portage Band of Minnesota Chippewa Tribe (the Band) and the U.S. Department of the Interior (DOI) National Park Service (NPS) are proposing to construct a maintenance facility, including an outdoor storage yard, and NPS-staff seasonal housing for Grand Portage National Monument (the Monument or GRPO) in Grand Portage, Minnesota. NPS has a unique relationship with the Band through an Indian Self-Governance Act agreement, management is shared at GRPO, particularly maintenance work. In addition, the Monument is located entirely within the Grand Portage Reservation. The Monument is located at the site of a historic portage.

The Environmental Assessment (EA) identified and evaluated the potential adverse environmental effects, or impacts, that the proposed action (the Project) would have on the environment. The existing maintenance facility, the outdoor storage yard for equipment and supplies, and the seasonal housing for NPS staff support the Monument's varied recreational and educational uses. The current facilities have deficiencies that need to be addressed. Not only do they require upgrading, but they are separate from one another and are located on sites that are more suitable for other uses.

The maintenance facility, where NPS vehicles are serviced outdoors, has capacity issues and lacks a paved area on which to perform maintenance. The outdoor storage yard, which is used for parking equipment or storing supplies when not needed, is located on a lake-front site approximately 1,400 feet by road from the maintenance facility. The facility and storage yard are both located on Monument land.

The seasonal housing that provides living quarters for NPS staff is on Band land leased by the Monument. Its peak use is from late May to early October, when more staff are hired to interpret the reconstructed stockade. There is also occasional winter use of the seasonal housing, with one or two occupants of the housing for a one-to-three-month duration, depending on the need. A few recreational vehicles (RVs) are parked adjacent to this site. The seasonal housing is in need of repairs and is located on lake-front property on Hat Point, across Grand Portage Bay from the current maintenance facility.

The purpose of the proposed action is fourfold:

- To address the inadequacies of the current maintenance facility with respect to capacity and provisions for vehicle maintenance.
- To consolidate the maintenance facility and the outdoor storage on a single site.

- To improve the quality of the seasonal housing for the NPS staff.
- To centralize the seasonal housing closer to the Monument.

The proposed action is intended to address the need to correct existing operational issues involving the maintenance facility, the outdoor storage yard, and the seasonal housing.

The need for action is summarized as follows:

- Capacity issues and other inadequacies of the current maintenance facility – The facility consists of four metal buildings, a gravel parking area, and a gravel-surfaced open area used for vehicle repairs. These buildings are energy inefficient, not code compliant, overcrowded and somewhat rundown.
- Unconsolidated NPS resources – Currently, the maintenance facility and the outdoor storage yard are located on separate sites, resulting in a loss of efficiency and inconvenience.
- Poor condition of seasonal housing – The existing housing for NPS staff will soon need substantial repairs and updating. Radon levels at the housing are a scale of magnitude higher than acceptable levels. In addition, the lease for housing with the Band at Hat Point will expire in fiscal year 2011.
- Inappropriate locations of these operational facilities – The maintenance facility is located at the approximate head of the historic Grand Portage Trail (and disturbs the viewshed from the trail). The outdoor storage yard is located in an area with high potential for archaeologically sensitive resources and on prime lake-front property that could be put to a more valuable use. The seasonal housing with RV parking are adjacent to the Isle Royale boat tour dock (the Voyageur Dock) and are located on prime lake-front real estate that is leased from the Band. Additionally, the location of the housing is distant from NPS facilities, requiring a commute to and from work areas.

SELECTED ALTERNATIVE

The Store Road Site Alternative was identified as the Agency Preferred Alternative. Approximately 3 acres of land in the area proposed for the Store Road Site have been cleared, and approximately 2 acres of land are needed for the maintenance facility, storage yard, and seasonal housing. Consequently, it is not anticipated that clearing of previously undisturbed area would be required. A drainage ditch off the north edge of the site drains to Grand Portage Creek, and some wetland vegetation is present to the south of the proposed site. An historic cemetery and a farmstead are located more than 850 feet away from the proposed site.

The site would include a maintenance facility with a shop and an office, an equipment/material storage yard for equipment and supplies, and linked dormitory buildings for NPS employees, along with parking lots for staff, residents, and RVs. The access road to the seasonal housing would be limited to use by residents and visitors only. Gravel driveways and parking lots would be installed where ever possible to increase water absorption. “Rain gardens” will also be created to capture water run-off.

The new maintenance facility constructed at this site would be approximately 6,000 square feet in area. The facility would include vehicle storage area, a maintenance garage with a vehicle lift,

a wood shop with dust collection, multiple storage areas, a conference/lunch room, restrooms, and concrete aprons. The facility would be used by both the Band and NPS, under the terms of the Indian Self-Governance Act agreement.

The proposed seasonal housing, approximately 4,000 square feet in area, would consist of two linked dormitory-style buildings, each containing four bedroom units, two bathrooms, and a kitchen and living area. The NPS standard design for dormitory buildings would be used and modified as needed to meet a variety of criteria. The housing would be designed and built according to the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) gold or platinum standards, with attention given to its orientation on the site, energy efficiency, sustainability, and other green building qualities.

MITIGATION MEASURES FOR THE SELECTED ALTERNATIVE

Under the Project, measures would be taken to protect resources in the Project Area. With the implementation of best management practices and mitigation measures, impacts from the Project would be avoided or minimized. The best management practices and mitigation measures presented in the following Resource Protection Measures would be incorporated into Project construction documents.

Resource Protection Measures

Resource Category/Action	Responsible Party
Public Health and Safety	
An accident prevention plan, including a job hazard analysis for each Project component, would be required for construction. The plan would address the following: <ul style="list-style-type: none"> • Fires • Mud Slides • Floods • The nature of construction work • Site conditions • Required Project inspections • Safety meetings 	Construction contractor
The use of hazardous materials would be approved in advance, including: <ul style="list-style-type: none"> • Analysis of explosive, flammable, poisonous, corrosive, oxidizing, or irritating substances (relative to their safe storage and use) • Minimization of the use of hazardous chemicals • Use of substances with low or no air quality impacts, and limited persistence or low potential to cause chemical sensitivity 	NPS and construction contractor
Cultural Resources	
A meeting would be held with the Monument archaeologist to discuss the area's historic resources, clarify construction schedules, and establish a plan for archaeological monitoring, if necessary, of ground-disturbing site work, including: <ul style="list-style-type: none"> • Clearing • Topsoil removal • Excavation • Landscaping 	NPS and construction contractor

Resource Category/Action	Responsible Party
If prehistoric or historic archaeological resources are discovered during any portion of the Project, work in the area associated with the find would cease until evaluated by the Monument archaeologist or designated representative, and procedures outlined in 36 CFR 800, Protection of Historic Properties, would be followed, potentially including relocation of the work to a non-sensitive area to avoid further disturbance to the site until significance of the find can be evaluated.	NPS and construction contractor
Discovered resources would be evaluated for their potential eligibility for listing on the National Register of Historic Places (NRHP), and if needed, mitigation measures would be developed in consultation with the Minnesota State Historic Preservation Office (SHPO). Mitigation measures would be commensurate with resource significance and preservation needs; measures could include such provisions as changes in Project design and/or archaeological monitoring of the Project and data recovery conducted by an archaeologist meeting the Secretary of the Interior's standards.	NPS
To reduce unauthorized collecting from areas, the following measures would be taken: <ul style="list-style-type: none"> • Construction personnel would be educated about the need to protect any cultural resources encountered. • Work crews would be informed that it is illegal to collect artifacts on Federal lands (16 USC 470aa et seq., Archaeological Resources Protection Act of 1979). • In advance of ground-disturbing activities, instructions would be given regarding respectful treatment of human remains and notification of the appropriate personnel in the event such remains are discovered. 	NPS and construction contractor
To minimize ground disturbance, all staging areas, materials stockpiling, vehicle storage, and other construction-related facilities and areas would be located in a previously disturbed area or on hardened surfaces to the extent practicable.	NPS and construction contractor
Revegetation efforts would include the following: <ul style="list-style-type: none"> • Types and locations of replacement vegetation that replicate historic elements of the cultural landscape • Stockpiling and reuse of existing vegetation and landscaping materials to the extent practicable 	NPS and construction contractor
Wildlife and Fisheries	
NPS would schedule tree and ground vegetation clearing activities outside of the primary nesting season to avoid or minimize adverse impacts on nesting migratory birds. If clearing activities must occur during the nesting season, the trees to be removed and areas of disturbed ground cover would be surveyed for migratory birds prior to clearing. Should active nests be observed and should it be determined that such nests cannot be avoided until after the birds have fledged (left the nest), and if no practicable or reasonable avoidance alternatives are identified, then the contractor would complete Federal Fish and Wildlife License/Permit Application Form 37 and submit it to the U.S. Fish and Wildlife Service (USFWS) Migratory Bird Program Office in Denver, Colorado. Any trees and ground vegetation providing habitat would be removed during a designated period that would minimize the impact on species.	NPS and construction contractor
Construction workers would be educated about the following: <ul style="list-style-type: none"> • The dangers of intentional or unintentional feeding of park wildlife • Inadvertent harassment through observation or intentional pursuit • The need for workers to remain within the construction perimeter 	NPS
Best management practices would be implemented to minimize surface water runoff and sedimentation.	Construction contractor

Resource Category/Action	Responsible Party
Soils and Vegetation	
<p>To minimize vegetation disturbance, the following measures would be taken:</p> <ul style="list-style-type: none"> • Mature trees identified for removal would be flagged prior to the start of construction in consultation with the Monument biological science technician. • Construction limits would be fenced prior to beginning any work under the proposed contract and up to 20 feet around the construction site until completion of the contract to ensure no disturbance occurs outside of the construction limits. 	NPS and construction contractor
<p>To protect the viability of the vegetation in the Project Area, the following measures would be taken:</p> <ul style="list-style-type: none"> • Plants to remain in place would be protected from cutting, breaking, and skinning of roots, branches, or bark. • Imported soils and other fill materials would be certified sterile and weed free and are subject to inspection. • Erosion control would be in the form of sterile matting to preclude the introduction of non-native species. 	NPS and construction contractor
Disturbed areas would be revegetated with native species, and the topsoil would be moved back into place following construction.	NPS and construction contractor
Air Quality	
Minnesota statutory regulations for air pollution control would be complied with.	Construction contractor
<p>To the degree possible, air quality impacts would be mitigated by the following:</p> <ul style="list-style-type: none"> • Reducing vehicle emissions by keeping equipment properly tuned and maintained in accordance with manufacturers' specifications and by not allowing engines to idle • Using best management practices to reduce generation of dust • Limiting the types of chemicals (low volatile organic compound ratings) used in new construction and rehabilitation work • Reducing trip generation by encouraging carpooling and shipment of full loads only 	Construction contractor
Water Resources	
<p>To prevent soil from eroding and depositing into water sources, the following measures would be taken:</p> <ul style="list-style-type: none"> • Stored fill material would be surrounded by silt fencing and overtopped by semi-permeable matting anchored together to prevent siltation from heavy runoff during rainstorms or snow melt. • Adequate erosion control or drainage structures would be installed and maintained. • Stockpiling of materials would occur on pavement or in areas exhibiting signs of recent disturbance. 	Construction contractor
An adequate hydrocarbon spill containment system would be available on site in case of unexpected spills in the Project Area.	Construction contractor

OTHER ALTERNATIVES CONSIDERED

The No-Action Alternative would continue operations without any changes. Current operations are hindered by inadequacies in the condition and locations of the existing maintenance facility, outdoor storage yard, and temporary housing for seasonal NPS employees. Resource degradation would continue with the maintenance shop sited on the Grand Portage trail, on a floodplain, and with vascular plant species of special concern nearby. Under the No-Action Alternative, the existing run-down buildings would continue to be used, and valuable lake-front property that could be put to better use by the Band and the Monument would continue to serve operational purposes rather than promote the Monument's educational and recreational goals.

The Stevens Road Site Alternative was carried forward for further consideration in the EA because it is on NPS land, is logistically feasible, and meets the Project objectives. However, the site would require construction of an access road on tribal lands and has limitations with respect to utility costs, water and wastewater access, geologic formations, road construction, and the need for clearing vegetation to connect to the necessary services. Blasting and rock removal would likely be required for utility construction and site leveling at the Stevens Road Site. Although there is a cleared area with an abandoned power line corridor south of the Cemetery Access Road, access road construction would not be feasible because of the topography of this area. Access to the site from the east or southeast would also not be feasible because of natural stone outcroppings and slopes. The access road construction could have an impact footprint comparable in size to the site itself. The facilities constructed on the Stevens Road Site would be the same as those at the Store Road Site.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The Store Road Site Alternative meets the purpose of and need for the proposed action, provides the greatest level of protection to natural and cultural resources, and would have minimal overall environmental impacts. This alternative is considered to be the Environmentally Preferable Alternative and was identified as the Agency Preferred Alternative.

THE SELECTED ALTERNATIVE AND SIGNIFICANCE CRITERIA

As defined in 40 CFR Section 1508.27, significance is determined by examining the following criteria:

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial:**

No long-term major adverse or beneficial impacts were identified that require analysis in an Environmental Impact Statement (EIS).

Long-term minor beneficial impacts of the selection action were predicted for public health and safety (reduced risk of accidents and hazardous materials spills), socioeconomics and environmental justice (potential employment), Indian Trust Resources (shared use of maintenance facilities, and potential for better use of lakefront property), and vegetation (no additional land clearing needed and reseeding or replanting with native species). No long-term adverse impacts other than those predicted to be negligible were identified.

2. The degree to which the proposed action affects public health or safety:

The selected action would have minor, short-term adverse impacts from transporting and moving equipment and regulated materials from their current sites to the new site, and for constructing the new facilities. However, there would be long-term minor beneficial impacts from a reduced risk of accidents and spills by constructing an updated maintenance facility farther away from the Grand Portage Trail than the current facility.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:

There are no wild and scenic rivers in or adjacent to the GRPO. The selected site is on Indian Trust land rather than Monument land, and frees up reuse of lakefront property. Wetlands, prime farmland, and critical ecological areas have been avoided in the area selected for construction. No historic or cultural resources have been identified or are suspected to be within the confines of the selected site. If any resources are discovered during excavation for the seasonal housing and maintenance facility, the resources would be evaluated for their potential eligibility for listing on the NRHP, and if needed, mitigation measures would be developed in consultation with the Minnesota SHPO.

4. The degree to which the effects on the quality of the human environment is likely to be highly controversial:

There were no highly controversial effects identified during either the preparation of the EA or during the two public review periods.

5. The degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks:

There were no highly uncertain, unique or unknown risks identified during either the preparation of the EA or during the two public review periods.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

The selected alternative neither establishes a NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:

Past activities in the general area of the site include use as a historic meeting place, and trail and portage in support of the fur trade. Development of the area initially occurred in the 18th century, and past buildings in support of the fur trade have been recreated as part of overall Monument establishment and related area development. There are no other current or reasonably foreseeable future projects funded for the Monument. Eventually, the site currently hosting the temporary housing may be redeveloped, causing impacts to the environment. However, it is unlikely that the Maintenance Shop and storage yard area would be redeveloped and are zoned for no development in the 2003 General Management Plan. The Project would not adversely affect current plans of the Monument, and would be developed in consideration of past activities. Consequently, the overall cumulative impacts of the Project in consideration of past activities, and other future activities within the Monument are expected to be minor.

These long-term effects in conjunction with the effects of the other management activities within the Monument will not result in cumulatively significant impacts.

8. Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the NRHP, or may cause loss or destruction of significant scientific, cultural, or historical resources:

The action will not adversely affect any resources listed on, or eligible for, the NRHP, nor will it impact any other significant park resources. The NPS has determined that the selected alternative will not affect historic properties; the Minnesota SHPO was consulted and concurred with this finding in a letter dated August 17, 2009. If previously unknown archaeological resources are discovered during excavation for the project, construction will stop and a series of processes will commence as noted in Resource Protection Measures for Cultural Resources noted previously.

9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:

Section 7 of the Endangered Species Act requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) when any activity permitted, funded, or conducted by that agency may affect a listed species or designated critical habitat, or is likely to jeopardize the existence of proposed species or adversely modify proposed critical habitat. Being both within the Department of the Interior, the NPS has a close relationship with the USFWS and routinely discusses threatened and endangered species issues at NPS properties.

Of the threatened or endangered species known or likely to be present at the Monument, only one (the gray wolf) has designated critical habitat at the selected site. However, the area planned for site development has been disturbed and no trees are proposed for cutting. Any use of the Store Road Site by gray wolves would be transitory due to this disturbance. After informal consultation with the Fish and Wildlife Service it was determined that the proposed projects at the preferred alternative site would have “no effect” on federally listed species, their habitats, or designated critical habitat.

Based on a habitat review, the conditions at the site preclude the presence of any of the known or likely listed or candidate species with the exception of satiny willow (a species of special concern for Minnesota) which has an extremely low probability of being present in the subtle low areas that were created with the uneven grading of the site. A plant species survey will be conducted to confirm that none of the listed or candidate species are present. The proposed action is not expected to have any impact or Endangered Species Act effect on threatened, endangered, or protected species and critical habitats.

10. Whether the action threatens a violation of federal, state, or local environmental protection law:

The selected alternative will not violate any federal, state, or local environmental protection laws.

IMPAIRMENT OF PARK RESOURCES OR VALUES

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the selected alternative will not constitute an impairment to Monument resources and values. This conclusion is based on a thorough analysis of the environmental

impacts described in the Project's EA, the agency and comments received, and the professional judgment of the decision-maker guided by the direction in *2006 NPS Management Policies*.

PUBLIC INVOLVEMENT

The general public was invited to participate in a public scoping meeting, held at the RTC office in Grand Portage on June 4, 2009; the Grand Portage tribal chairman and two members of the public attended the meeting. The meeting was conducted in an open house format. Display boards stated the purpose of and need for the proposed action as well as the purpose of the meeting. The boards also compared the Store Road and Stevens Road sites; showed aerial views of the two sites; and presented a conceptual drawing of the proposed seasonal housing structure.

The meeting participants were invited to present relevant comments and questions, along with written statements, in an effort to identify impact topics to address in this EA. Two written comment letters that were submitted by citizens noted approval of the proposed building designs and the preferred alternative site, as follows:

The proposed designs for the maintenance facility and the seasonal housing appear to be practical and appropriate for the Monument.

The Project would address a direct need of NPS, and would "improve efficiency and effective operation."

The Store Road Site would expedite the Project and be more cost effective because of the existing utility service and efficient access to the site.

Construction of the Project at the Stevens Road site would require disturbance to a naturally wooded area.

The option of leasing Band property at the Store Road Site would be an opportunity to "integrate programs and develop relationship" between the Band and NPS.

A second, unofficial scoping meeting occurred at noon on Friday, June 12, 2009, at the Elderly Nutrition Center, with more than 25 people in attendance. The Monument Superintendent gave a presentation on the Project. Many questions were asked concerning advantages and disadvantages of the alternative sites. Attendees wanted to know why the Store Road Site was preferred over the Stevens Road Site and why the Band should relinquish more of its land base to NPS. Concerns were voiced pertaining to the high costs associated with utilities at the Stevens Road Site and the proximity of the cemetery to that site. Concerns were also expressed about the sacred character of Mt. Rose. A number of individuals expressed interest in the jobs created by this activity. Several attendees liked the idea of consolidating the maintenance activities in one location and removing equipment and materials from the present maintenance storage yard. Overall, the meeting attendees were receptive to the Store Road Site.

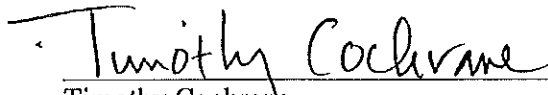
In addition, the EA was on public review from September 21 through October 21, with an open house public meeting held at the Old Log Community Building, Grand Portage, on October 8, 2009, with two members of the public attending. Based on negligible public comments on the EA, an errata sheet was produced instead of a revised version of the EA.

Conclusion

The Selected Alternative does not constitute an action that normally requires preparation of an EIS. The Selected Alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are minor or moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, or other unique characteristics of the region. There are no unmitigated adverse impacts on sites or districts listed in or eligible for listing in the NRHP. No uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.


Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:

 10/30/09

Timothy Cochrane
Superintendent, Grand Portage National Monument
Date

Approved:

 11/2/09
for _____
Ernest Quintana
Midwest Regional Director
Date